

An Act

ENROLLED SENATE
BILL NO. 712

By: Rosino of the Senate

and

McEntire and Waldron of the
House

An Act relating to hospitals; defining terms; requiring the Department of Mental Health and Substance Abuse Services to distribute emergency opioid antagonists to hospitals subject to certain condition; requiring State Department of Health to provide certain technical assistance; defining terms; requiring hospitals to distribute emergency opioid antagonist to certain persons upon discharge except under certain conditions; specifying applicability of certain requirement; providing exception; allowing hospital to utilize certain individuals for distribution of emergency opioid antagonists; authorizing hospital to seek reimbursement under certain conditions; requiring certain reimbursement to hospital; requiring provision of certain information and resources to patient; providing certain construction; granting certain immunities; providing for codification; and providing an effective date.

SUBJECT: Hospitals

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-401.2 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Emergency opioid antagonist" means a drug including but not limited to naloxone that blocks the effects of opioids and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose; and

2. "Health benefit plan" has the same meaning as provided by Section 6060.4 of Title 36 of the Oklahoma Statutes.

B. Subject to allocation of federal funding for the purchase of emergency opioid antagonists, the Department of Mental Health and Substance Abuse Services shall distribute emergency opioid antagonists to hospitals for distribution by hospitals of emergency opioid antagonists to patients not covered by the state Medicaid program or by a health benefit plan as described in subsection C of Section 2 of this act.

C. The State Department of Health shall provide necessary technical assistance for the implementation of this section and Section 2 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-706.21 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Emergency opioid antagonist" means a drug including but not limited to naloxone that blocks the effects of opioids and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose; and

2. "Health benefit plan" has the same meaning as provided by Section 6060.4 of Title 36 of the Oklahoma Statutes.

B. A hospital shall distribute to a person who presents to an emergency department with symptoms of an opioid overdose, opioid use disorder, or other adverse event related to opioid use, two doses of an emergency opioid antagonist upon discharge, unless:

1. The treating practitioner determines in his or her clinical and professional judgment that distributing the emergency opioid antagonist is not appropriate or the practitioner has confirmed that

the patient already has at least two doses of an emergency opioid antagonist; or

2. The hospital is not required to distribute the emergency opioid antagonist due to the conditions described in paragraph 2 of subsection C of this section.

C. 1. The provisions of subsection B of this section shall apply without exception in cases where a patient is covered by the state Medicaid program or by a health benefit plan.

2. The provisions of subsection B of this section shall apply in cases where a patient is not covered by the state Medicaid program or by a health benefit plan only if the hospital receives a supply of one or more emergency opioid antagonists from the Department of Mental Health and Substance Abuse Services under Section 1 of this act.

D. To comply with the requirements of this section, a hospital may, notwithstanding any other provision of state law, utilize any of the following individuals employed by or under contract with the hospital to distribute emergency opioid antagonists under this section:

1. Any health care provider licensed or certified in this state including, but not limited to, a licensed pharmacist; or

2. Any mental health or substance abuse provider licensed or certified in this state.

E. 1. In cases where a patient to whom an opioid antagonist is distributed under this section is covered under the state Medicaid program, the hospital may bill the state Medicaid program for the emergency opioid antagonist utilizing the appropriate billing codes established by the Oklahoma Health Care Authority. The state Medicaid program shall reimburse such claims in accordance with applicable law, rules, and contract terms. This billing shall be separate from and in addition to the payment for the other services provided during the hospital visit.

2. In cases where a patient to whom an opioid antagonist is distributed under this section is covered by a health benefit plan,

the hospital may bill the patient's health benefit plan for the cost of the emergency opioid antagonist, and the health plan shall reimburse such claims.

F. When a hospital distributes an emergency opioid antagonist, it shall provide:

1. Directions for use; and

2. Information and resources about medication for opioid use disorder and harm reduction strategies and services which may be available, such as substance use disorder treatment services and substance use disorder peer counselors.

This information shall be available in all languages relevant to the communities that the hospital serves.

G. This section does not prohibit a hospital from distributing an emergency opioid antagonist to a patient at no cost to the patient and at no cost to a third-party payor out of the hospital's prepurchased supply.

H. Nothing in this section prohibits or modifies a hospital's ability or responsibility to bill a patient's health benefit plan or to provide financial assistance as required by state or federal law.

I. A hospital, its employees, its contractors, and its practitioners are immune from suit in any action, civil or criminal, or from professional or other disciplinary action, for action or inaction in compliance with this section.

SECTION 3. This act shall become effective November 1, 2023.

Passed the Senate the 8th day of March, 2023.

Darcy Jean
Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2023.

John Hitt
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th

day of April, 20 23, at 12:56 o'clock p. M.

By: Sumner Curry

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th

day of May, 20 23, at 10:52 o'clock A. M.

By: Paula Blum

MESSAGE FROM THE
OKLAHOMA STATE SENATE

5/25/2023

TO THE SECRETARY OF STATE

I am directed to inform you that the Senate has adopted the following and ordered same transmitted to you herewith:

Transmitting enrolled **SB 712**, and advising that under the provisions of Article VI, Section 11 of the Constitution of State of Oklahoma, the Senate and House of Representatives has reconsidered and passed said bill over the Governor's veto by a two-thirds vote of each House.

By order of the Senate of the State of Oklahoma, this message is sent:

Respectfully,

PAUL ZIRIAX

Secretary, Oklahoma State Senate

7

15:43:00

Received by the Secretary of State

Date _____

By _____

RECEIVED

MAY 25 2023

OKLAHOMA SECRETARY
OF STATE

8:19pm

RECEIVED

MAY 26 2023

OKLAHOMA SECRETARY
OF STATE

@10:52AM



OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. SB 712

OKLAHOMA CITY, OKLA.,

April 26, 2023

TIME SIGNED: 8:02 pm

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST REGULAR SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 712:

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution,
I have vetoed Enrolled Senate Bill 712.

Oklahomans elected me to advocate on their behalf and fight for the taxpayer. I take this responsibility seriously and so I cannot, in good faith, allow another year to go by without cutting taxes and reforming education, both of which we can absolutely afford with our \$1.2 billion surplus and over \$6 billion in savings. Therefore, until the people of Oklahoma have a tax cut, until every teacher in the state gets the pay raise they deserve, until parents get a tax credit to send their child to the school of their choice, I am vetoing this unrelated policy and will continue to veto any and all legislation authored by Senators who have not stood with the people of Oklahoma and supported this plan.

For these reasons, I have vetoed Enrolled Senate Bill 712.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Delivered to SENATE by: Summer Curry

Date/Time: 4/26/23; 8:45 pm

SENATE:

By Rep. Valerie

Date/Time 4/26/23; 8:47 pm.

RECEIVED

APR 26 2023

OKLAHOMA SECRETARY
OF STATE

@ 8:56 PM